

**OPINION
43-39**

May 3, 1943 (OPINION)

CONSTABLES

RE: Right to Bear Arms

We have your letter of April twenty-ninth stating that you are a duly elected, qualified, and acting constable of Adams County and inquire whether or not you have a right to carry arms. As such a constable, under Sections 10364 and 10539 of the Compiled Laws of 1913, you are a peace officer. Section 9803a6 of the Supplement of 1925 prohibits the carrying of concealed pistols or revolvers, but Section 9803a7 of the Supplement of 1925 contains an exception for peace officers. Consequently, we are of the opinion that as a duly elected, qualified, and acting peace officer of the county you are entitled to carry a pistol or revolver, if you deem it necessary. Upon termination of your term as such peace officer, it would then be illegal for you to carry such a gun without a permit issued by the sheriff or the district judge of your county.

ALVIN C. STRUTZ
Attorney General